

Zampino et al. '057 teaches a reaction product of linalool with citric acid for a period of two hours in aqueous media at 100°C. The reaction product is used to augment, enhance or

impart aromas and tastes to consumable materials. Zampino et al. '057, as with other prior art,

teaches a composition that is not shown to exhibit varying olfactive characteristics when applied

to the skin of different individuals. Additionally, the heating for two hours required to create the

composition taught in Zampino et al. '057 is a material difference that the Applicant respectfully

submits produces different fragrance results. The present invention results from a mixture of

components without application of any heat. In fact, preferably no heat is applied when creating

the present invention's composition. The six main classes of compounds that are used to create

the composition of the present invention, are used in Zampino et al. '057 as ingestible flavoring

adjuvants or vehicles comprising stabilizers, thickeners, surface active agents, conditioners, and

other flavorants and flavor intensifiers. Zampino et al. '057 teaches the use of citric acid as a

stabilizer, benzoic acid, aldehydes, pyrazines and lemon essential oil, along with numerous other

chemicals as flavor intensifiers.

The use of such chemicals is not mentioned in the discussion with respect to perfume

fragrance compositions. The fragrance composition embodiments taught in Zampino et al. '057

require the linalool-citric acid reaction product which modifies other fragrance ingredients. The

present invention is patentably distinct because it does not require such components.

Additionally, with respect to claim 27 in particular, the Applicant notes that the claimed

invention is specifically described in the preamble of the claim as a fragrance composition

exhibiting varying olfactive characteristics when applied on different persons, and each

component is used in "an effective amount to produce such varying characteristics." The words

"effective amount" as used in the Applicant's claims are not indefinite and should be interpreted

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based on what is taught in the Specification, and Zampino et al '057 does not teach what amounts are effective, or the use of amounts that would be effective, to create a fragrance composition that exhibits varying olfactive characteristics when applied to the skin of different people.

The fact that a certain result or characteristic may occur with the use of the six classes of compounds used in the present invention as auxiliary components as taught in Zampino et al '057 (which is most likely not possible given the 2 hours of heating required in Zampino et al. '057 to produce the linalool citric acid reaction product), is not sufficient to establish the inherency of that result. *See In re Rijckaert*, 9F.3d 1531, 1534 (Fed. Cir. 1993); MPEP § 2112. There is nothing inherent in Zampino et al. '057 that teaches combining the six classes of compounds used in the present invention to produce a composition that exhibits varying olfactive characteristics when the combined composition is applied to the skin of different individuals, or the effective amounts of each component for doing so. In sum, the Applicant respectfully submits that its claims 1, 2, 4-9, 11-16 and 27 are not anticipated by Zampino et al. '057.

With respect to claims 3, 10 and 17-26, which the examiner has rejected based on 35 U.S.C. § 103(a) based on Zampino et al. '057, the Applicant respectfully submits that the Applicant's invention does in fact exhibit unexpected results due to the "effective amount" of each of the 6 classes of components used; specifically, the unexpected results consist of the fact that the composition exhibits varying olfactive results when applied on the skin of different people in a perceivable and consistently reproducible manner.

Zampino et al. '057, as with other fragrance art, teaches away from the present invention in that it teaches compositions that are intended to produce enhanced olfactive characteristics, not different olfactive characteristics when applied on the skin of different people. There is no

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motivation or suggestion in Zampino et al '057 to create a composition such as that of the present invention, which exhibits varying olfactive characteristics when applied on the skin of different people.

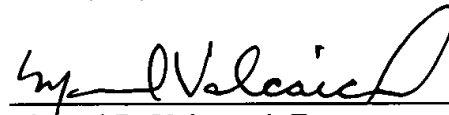
*Maintain* { With regard to the examiner's objection to claims 10 and 22 under 37 C.F.R. § 1.75 as being substantial duplicates of claims 3 and 7, the Applicant respectfully submits that in the event that claims are allowed, the objection will be addressed by cancellation of claims as appropriate, based on the claims allowed.

The Applicant respectfully submits that the application and claims, as amended, are in condition for allowance, subject to the foregoing paragraph. Nonetheless, should the examiner still have any comments, questions or suggestions, the examiner is respectfully requested to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

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